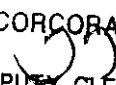


SEP 13 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

TONY SYLVESTER HARRIS,)	
Petitioner,)	Civil Action No. 7:05-cv-00454
)	Crim. No. 1:97-cr-00032
)	
v.)	<u>FINAL ORDER</u>
)	
UNITED STATES OF AMERICA,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge
)	

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, shall be and hereby is **DISMISSED**, pursuant to Rule 4 of the Rules Governing §2255 Proceedings, as untimely filed; petitioner's pending requests for discovery and preparation of transcripts at government expense (Dkt. Nos. 9 and 11) are hereby **DENIED**; and this action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent.

ENTER: This 13th day of September, 2005.



Senior United States District Judge